



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 14, 1995

Mr. David M. Douglas
Assistant Chief
Legal Services
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR95-958

Dear Mr. Douglas:

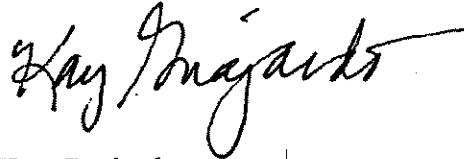
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35075.

The Texas Department of Public Safety (the "department") received a request for information pertaining to a certain motor vehicle accident that resulted in a fatality. You assert that with the exception of the accident report, the requested information is excepted from required public disclosure based on sections 552.101, 552.103 and 552.107 of the Government Code. You do not explain why these exceptions apply other than to say that a department employee has received information that the decedent's parents have filed a lawsuit against the Texas Department of Transportation.

We conclude that the department may not withhold the requested information pursuant to any of the asserted exceptions. You have not explained why section 552.101 is applicable. While section 552.103 may protect information that relates to litigation, it generally applies only when the litigation involves the governmental body claiming the exception. See Open Records Decision No. 392 (1983). Nor does section 552.107(1) apply; the requested information does not contain confidential attorney-client communications. See Open Records Decision No. 575 (1990). Accordingly, the department must release the requested information.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a long horizontal flourish extending to the right.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/LRD/rho

Ref.: ID# 35075

Enclosures: Submitted documents

cc: Mr. David Wood
Legal Investigator
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(w/o enclosures)